

REMARKS

Upon entry of this Amendment, which amends Claims 1-15, and adds new Claims 18 and 19, Claims 1-19 remain pending in the present application.

In the December 2, 2003 Office Action, Claims 1, 2, 5-9, 12, 13 and 16-18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bottomley et al. (WO 96 05668 A). Claims 3, 4, 10, 11, 14 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bottomley et al. in view of U.S. Patent No. 6,473,449 to Cafarella et al.

Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

35 U.S.C. § 102(b) Claim Rejections – Claims 1, 2, 5-9, 12, 13 and 16-18

On pages 2-3 of the December 2, 2003 Office Action, Claims 1, 2, 5-9, 12, 13 and 16-18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bottomley et al. For the following reasons Applicant respectfully disagrees.

Bottomley et al. disclose a CDMA communications system in which scramble masks are used in distinguishing and protecting information signals. The modulation/demodulation technique used is a MOK technique, much like the conventional MOK technique described in the background section of the present patent application.

By contrast, the presently claimed invention claims a Multi-MOK modulation/demodulation system and method, where the transmission data rate is N times the data rate of the conventional MOK technique of Bottomley. This distinction is reflected in the independent claims. In particular, independent Claim 1 claims a data transmission process that transmits "N data blocks", which are "processed in parallel in N M-ary orthogonal keying (MOK) modulation channels, each modulation using a group of spread codes," and receives "the N M-ary orthogonal keying modulation channels" and combines them using a "combining circuit". Independent Claims 8 and 12 have similar "Multi-MOK" characteristics.

For at least these reasons, therefore, Applicant respectfully believes that Bottomley et al. does not anticipate any of independent Claims 1, 8 or 12. Applicant requests, therefore, that the § 102(b) rejections of these Claims, as allegedly being anticipated by Bottomley et al., be withdrawn.

The other claims rejected for allegedly being anticipated by Bottomley et al. (i.e. Claims 2, 5-7, 9, 13 and 16-18 all depend from one of independent Claims 1, 8 or 12. Accordingly, they derive patentability as depending on what appears to be allowable base claims. Applicant requests, therefore, that the § 102(b) rejections of these dependent claims also be withdrawn.

Appl. No. 09/595,893
Amdt. dated April 2, 2004
Reply to Office Action of December 2, 2003

Docket No. 034299-000259

35 U.S.C. § 103(a) Claim Rejections – Claims 3, 4, 10, 11, 14 and 15

In the Office Action, Claims 3, 4, 10, 11, 14 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bottomley et al. in view of Cafarella et al. For the following reasons, Applicant respectfully disagrees.

Claims 3 and 4 both depend from independent Claim 1. Claims 10 and 11 both depend from independent Claim 8. Claims 14 and 15 both depend from independent Claim 12. In other words, each of Claims 3, 4, 10, 11, 14 and 15 depend from what appears to be allowable base claims. Modifying or combining Bottomley et al. with Cafarella et al. does nothing to change this result. Accordingly, Applicant respectfully believes that dependent Claims 3, 4, 10, 11, 14 and 15 are allowable over the cited prior art, and respectfully requests that the § 103(a) rejections of them be withdrawn.

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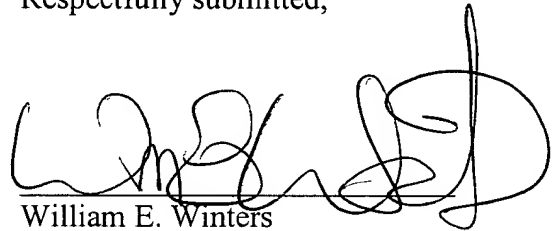
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CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-282-1857.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. E. Winters', written over a horizontal line.

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Dated: April 2, 2004

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